IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SMT JUSTICE T.MEENA KUMARI

and
HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 2072 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/06/2000 in WP NO : 19201 OF 1997 on the file of the High Court.)

Between:

Hyderabad Race Club, Malakpet, Hyderabad, rep. by its Secretary

..... APPELLANT

AND

1 Labour Court-I, Hyderabad rep. by its Presiding Officer
2 M.A. Khaliq S/o M. Waheb
H.No. 16-2-465, Malakpet Palton, Hyderabad-36

.....RESPONDENTS

Counsel for the Appellant: MR.K.SRINIVASA MURTHY, ADVOCATE

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2 : Smt. VANI JOSHI, ADVOCATE

The Court made the following :

JUDGMENT(per Hon'ble Smt Justice T. Meena Kumari)

The writ petitioner, Hyderabad Race Club, aggrieved by the order of the learned single Judge of this Court in dismissing the writ petition which was filed challenging the Award of the first respondent in I.D. No. 9 of 1995 dated 20-5-1997 preferred the instant appeal.

One of the grievances of the appellant is that the learned single Judge ought to have appreciated the conduct of the 2nd respondent-workman as he was found guilty for various misconducts earlier and hence he ought to have allowed the writ petition.

Heard both sides.

We have perused the order of the learned single Judge. Though the appellant contended that the past conduct of the workman is not good, the order of suspension was passed for the alleged unauthorized absence of the workman

from his duty. The learned single Judge while dismissing the writ petition observed that the finding of the Tribunal that the punishment was grossly disproportionate to the gravity of the misconduct alleged and hence is not susceptible of the interference under Article 226 of the Constitution of India. As seen from the record, it revealed that the Labour Court directed the appellant only for the fresh appointment of the workman without any benefits. In view of the above, we do not find any irregularity or illegality that required interference by this Court in the order under challenge. Thus, the writ appeal fails.

The writ appeal is dismissed. No costs.

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T. MEENA KUMARI, J

Dt 06-06-2005

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P. LAKSHMANA REDDY, J

HON'BLE SMT JUSTICE T.MEENA KUMARI

and

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL NO : 2072 of 2003

(Judgment of the Division Bench delivered by

Hon'ble Smt Justice T. Meena Kumari,)

06th June 2005

To

1. The Presiding Officer, Labour Court-I, Hyderabad
2. Two CCs to the G.P. for Labour, High Court Buildings, Hyd. (OUT)

3.2 CD copies

For m-NIC-OGS/WA { }